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**Human rights bodies and mechanisms**

# Report on the twenty-third annual meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Human Rights Council (Geneva, 6 to 10 June 2016), including updated information on special procedures

**Note by the Secretariat**

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# I. Introduction

1. The present report contains an overview of the system of special procedures, highlighting activities undertaken by mandate holders in 2016. It also provides information on the work of the Coordination Committee of Special Procedures, and elaborates on the main points of discussions held and conclusions reached during the twenty-third annual meeting of special procedures.

# II. Facts and figures

## A. New mandates

2. In 2016, the Human Rights Council established two new mandates: those of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (resolution 32/2) and of Special Rapporteur on the right to development (resolution 33/14). The total number of mandates now stands at 57, of which 43 are thematic and 14 country-specific (see A/HRC/34/34/Add.1, chap. XI).

## B. Mandate holders

3. The system of special procedures currently includes 81 mandate holder positions. The Human Rights Council appointed 13 new mandate holders in 2016. The gender balance has improved slightly; 42 per cent of current mandate holders are female, and 58 per cent male.

4. As at 31 December 2016, 22.5 per cent of mandate holders came from States Members of the United Nations belonging to the African Group, 16 per cent from the Asia-Pacific Group, 12.5 per cent from the Eastern European Group, 19 per cent from the Latin American and Caribbean Group and 30 per cent from the Western European and Others Group (see A/HRC/34/34/Add.1, chap. II).

## C. Country visits

5. Mandate holders conducted 96 in situ visits to 65 States and territories, 20 more visits than in 2015, an increase of 26 per cent (see A/HRC/34/34/Add.1, chap. IV). Two more Member States extended a standing invitation to special procedures, resulting in 117 Member States and one non-member Observer State having formally indicated that they would always accept requests for country visits (see A/HRC/34/34/Add.1, chap. III).

6. As at 31 December 2016, the large majority of Member States, namely 167, had received at least one visit by a mandate holder. However, 26 Member States have not yet been visited by any mandate holder, of which nine have not yet received a request for a visit and 17 have either not yet accepted a visit or the visit has yet to take place (see A/HRC/34/34/Add.1, chap. V).[1]

[1] Information on the status of all country visits requested by mandate holders, and forthcoming visits, is available on the webpages http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en and http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/Forthcomingcountryvisits.aspx.

7. Mandate holders also conducted several academic and working visits to, inter alia, inform their reports and studies or provide Governments or other stakeholders with technical advice.

## D. Communications

8. Mandate holders transmitted 526 communications in 2016 to 119 States and 23 non-State actors; 455 of these communications were sent jointly. Communications sent covered 1,282 individuals, 216 of whom were identified as female and 821 as male (245 unknown). A total of 401 replies were received in 2016, of which 291 to communications transmitted during the year, averaging a reply rate of 55 per cent, an increase of 13 per cent over 2015. Replies received varied from acknowledgements of receipt to substantive responses (see A/HRC/34/34/Add.1, chap. VI).

9. Three communications reports were issued in 2016 (A/HRC/31/79, A/HRC/32/53 and A/HRC/33/32 and Corr.1).

10. In 2016, the Working Group on Enforced or Involuntary Disappearances transmitted 801 new cases of enforced disappearance to States, of which 389 under its urgent action procedure. The Working Group was able to clarify 206 cases.

11. The Working Group on Arbitrary Detention issued 61 opinions in 2016. During the year, the Working Group received information regarding the release of at least 20 individuals (of which five women) as a result of its opinions in which it qualified the detention of the complainants as arbitrary.

## E. Media outreach and public awareness

12. Mandate holders issued 461 media products, either individually or jointly, of which 322 press releases, 97 media advisories and 42 media statements, raising awareness and voicing concerns over a range of human rights issues, including individual cases. The number of media products issued was roughly the same as in 2015.

13. The Coordination Committee of Special Procedures and the chairs of human rights treaty bodies issued an additional six press releases and public statements in which they, inter alia, expressed their concern over the financial crisis of the Inter-American Commission on Human Rights and the attempt by some States to block retrospectively the creation of the mandate of Independent Expert designed to tackle violence and discrimination based on sexual orientation and gender identity, and on the occasion of Human Rights Day 2016 (see A/HRC/34/34/Add.1, chap. VIII).

## F. Thematic reports and studies

14. Mandate holders issued 174 reports; 134 reports were submitted to the Human Rights Council, including 58 country visit reports, and 40 to the General Assembly (see A/HRC/34/34/Add.1, chap. VII). Two mandate holders, while not submitting reports to the General Assembly, still engaged in an interactive dialogue with it.

15. The Independent Expert on the enjoyment of human rights by persons with albinism and the Special Rapporteur on the right to privacy, whose mandates were established in 2015, presented their first reports to the Human Rights Council, outlining their vision and working methods (A/HRC/31/63 and A/HRC/31/64). Visions and priority areas were also highlighted in the reports of the newly appointed Special Rapporteur in the field of cultural

rights (A/HRC31/59) and Special Rapporteur on violence against women, its causes and consequences (A/HRC/32/32).

16. The Special Rapporteur on extrajudicial, summary or arbitrary executions () and Special Rapporteur on the human rights of internally displaced persons presented their final reports, containing an overview of activities undertaken during their six-year tenure, including the progress made and the challenges remaining (A/HRC/32/39 and A/HRC/32/35).

17. Thematic reports published in 2016 concerned a range of human rights issues, including the human rights impact of agro-industrial operations on indigenous and local communities (A/71/291), the rights of persons with disabilities to participate in decision-making (A/HRC/31/62), human rights and climate change (A/HRC/31/52), freedom of expression and the private sector in the digital age (A/HRC/32/38), fundamentalism and its impact on the rights to freedom of peaceful assembly and of association (A/HRC/32/36), protecting the independence of judges and lawyers and the legal profession (A/71/348), and bilateral and multilateral trade agreements and their impact on the human rights of migrants (A/HRC/32/40).

18. Several mandate holders in their reports focused on integrating gender perspectives in their thematic areas, including in relation to the right to food (A/HRC/31/51), the prohibition of torture and cruel, inhumane and degrading treatment (A/HRC/31/57) and the realization of the human rights to water and sanitation (A/HRC/33/49).

19. Other mandate holders focused on (post-) conflict and humanitarian crises, including in relation to the intentional destruction of cultural heritage (A/71/317), minorities in situations of humanitarian crises (A/71/254), trafficking of persons in conflict and post-conflict situations (A/HRC/32/41 and A/71/303) and national consultations on the design and implementation of transitional justice measures (A/71/567).

20. The Sustainable Development Goals were also the focus of reports issued by some mandate holders, including illicit financial flows, human rights and the 2030 Agenda for Sustainable Development (A/HRC/31/61) and the right to health and the Sustainable Development Goals (A/71/304).

## G. Contributions to standard-setting, and human rights protection and promotion

21. The Working Group on the issue of human rights and transnational corporations and other business enterprises issued its final *Guidance on National Action Plans on Business and Human Rights*,[2] in which it made recommendations on the development, implementation and update of national action plans on business and human rights.

22. The Special Rapporteur on minority issues produced the handbook "Language rights of linguistic minorities: a practical guide for implementation",[3] which aims to serve as a practical tool to assist policymakers and rights-holders in better understanding linguistic rights, and provides best practices that can be replicated in different contexts.

23. The Special Rapporteur on the situation of human rights defenders conceptualized good practices in the protection of human rights defenders and measures that foster an enabling environment for the defence of their rights. The Special Rapporteur identifies

[2] Available from www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf.

[3] Available fromwww.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/LanguageRights.aspx.

seven principles underpinning such good practices, and makes a number of recommendations on ways to strengthen, replicate and disseminate them (A/HRC/31/55).

24. The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination continued its work on advocating for an international legally binding instrument to regulate private military and security companies, and issued an interim report on its ongoing global study of national laws and regulations relating to private military and security companies (A/HRC/33/43).

25. The Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions issued a joint report on the proper management of assemblies, containing a compilation of practical recommendations (A/HRC/31/66).

## H. Forums, consultations, workshops and other meetings

26. In 2016, mandate holders organized more than 40 forums, consultations, expert meetings and workshops in all regions in collaboration with and/or engaging Government, civil society and the private sector (see A/HRC/34/34/Add.1, chap. XV).

27. The Forum on Minority Issues held its ninth session from 24 to 25 November 2016 under the guidance of the Special Rapporteur on minority issues. More than 500 participants from all regions discussed key issues of global concern regarding minorities in situations of humanitarian crises, and made specific recommendations to protect and promote their rights that will be presented to the Council at its thirty-fourth session (see A/HRC/34/68).

28. The fifth annual Forum on Business and Human Rights was held from 14 to 16 November 2016 under the guidance of the Working Group on the issue of human rights and transnational corporations and other business enterprises. The Forum brought together more than 2,000 participants from 140 States, representing the private sector, Governments and civil society. The programme, consisting of 67 thematic sessions, addressed a number of key business-related human rights challenges around the globe where greater State and business leadership and leverage need to be applied. The report of the Forum will be presented to the Human Rights Council at its thirty-fifth session.

29. From 8 to 10 June 2016, the Special Rapporteur on freedom of religion or belief co-organized, with the support of a civil society organization, held a conference with the theme "Freedom of religion or belief and sexuality". On 11 and 12 June 2016, the Special Rapporteur on the independence of judges and lawyers chaired an expert group meeting in Belgrade, organized with the support of two civil society organizations, examining the situation of lawyers and the legal profession in Eastern Europe, the Caucasus and Central Asia. On 4 and 5 July 2016, the Special Rapporteur on the situation of human rights defenders conducted an expert meeting in Florence, Italy, on environmental and land rights defenders to gather information for his report to the General Assembly (A/71/281).

30. On 6 and 7 September 2016, the Special Rapporteur on the rights of persons with disabilities convened a regional expert consultation in Addis Ababa, focusing on access to support services by persons with disabilities. On 9 and 10 November 2016, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence held regional consultations on transitional justice in the Asia-Pacific region in Colombo, to gather information for his study on the ways and means to implement the issues pertaining to his mandate, to be presented to the Human Rights Council at its thirty-sixth session.

# I. Engagement with other parts of the United Nations system and regional mechanisms

31. Throughout the year, mandate holders sought closer cooperation with the wider United Nations system and agencies, programmes and funds, as well as with regional mechanisms (see A/HRC/34/34/Add.1, chap. I), including by raising awareness on their mandates and conducting joint activities.

32. In June 2016, the Special Rapporteur on trafficking in persons, especially women and children, participated in an open debate held by the Security Council on the theme "Conflict-related sexual violence: responding to human trafficking in situations of conflict-related sexual violence". Her work also informed the report of the Secretary-General on the implementation of measures to counter trafficking in persons submitted to the Security Council (S/2016/949).

33. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, in planning and conducting her mission to El Salvador, from 18 to 29 April 2016, engaged extensively with, among others, the International Labour Organization, the United Nations Development Programme (UNDP), the International Organization for Migration and the United Nations Children's Fund (UNICEF). The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, during his annual mission to the region, met with representatives of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and continued to engage with them throughout the year.

34. In November 2016, the Special Rapporteur on the rights of persons with disabilities was appointed as a member of the Advisory Board of the Global Study on Children Deprived of Their Liberty. The Special Rapporteur on the human rights to water and sanitation was made a member of the task force on monitoring inequalities in access to drinking water, sanitation and hygiene for the Sustainable Development Goals led by the World Health Organization and UNICEF.

35. On 3 May 2016, the Special Rapporteur on the right to freedom of opinion and expression issued a joint declaration with media representatives of the Organization for Security and Cooperation in Europe, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights on freedom of expression and countering violent extremism.[4] Moreover, the preliminary observations of the Special Rapporteur made at the end of his country visit to Turkey, from 14 to 18 November 2016, were included in the report of the Committee on Culture, Science, Education and Media of the Council of Europe.[5]

36. On 28 September 2016, the Special Rapporteur on the right to truth, justice, reparation and guarantees of non-recurrence participated in an expert round table, held in Brussels, on exploring enhanced cooperation between the European Union and the African Union on transitional justice.

37. From 28 to 30 November 2016, the Special Rapporteur on the situation of human rights in Eritrea visited Addis Ababa, where she engaged with African Union interlocutors to follow up on the recommendation of the Commission of Inquiry on Human Rights in Eritrea that the African Union establish an accountability mechanism to investigate,

[4] OHCHR, "Joint declaration on freedom of expression and countering violent extremism", 3 May 2016.

[5] Council of Europe, "Attacks against journalists and media freedom in Europe", Committee on Culture, Science, Education and Media, 8 December 2016.

prosecute and try individuals reasonably believed to have committed crimes against humanity (see A/HRC/32/47, para. 133).

### J. Follow-up activities

38. Mandate holders continued to prioritize follow-up to their previous actions by, inter alia, issuing follow-up communications to cases previously transmitted to States and non-State actors, and observations on communications reports, issuing follow-up press releases, undertaking follow-up visits, sending questionnaires and presenting reports to follow up on the implementation of recommendations made after country visits, and convening expert meetings and consultations (see A/HRC/34/34/Add.1, chap. IX).

39. A positive example in this regard was provided by the Working Group on Arbitrary Detention, which, at its seventy-fifth session, held from 18 to 27 April 2016, elected a Vice-Chair on follow-up on all actions taken by the Working Group. At the same session, the Working Group also decided to introduce a systematic follow-up procedure in the context of its opinions.

40. Another positive example is the Special Rapporteur on human rights and extreme poverty, who, after submitting a report on the responsibility of the United Nations for the cholera outbreak in Haiti (A/71/367), followed up on this issue by sending an open letter to the Deputy Secretary-General on 5 October 2016,[6] which contributed to the presentation by the Secretary-General of a new approach taken by the Organization to this issue.

41. The Coordination Committee used the opportunity of its meetings with various representatives of the United Nations and States to stress the importance of follow-up. It also held a webinar in cooperation with the Development Operations Coordination Office on the theme "Strengthening the integration of human rights in the work of the United Nations: a discussion on the opportunities and challenges in implementing and following up on human rights recommendations", with the participation of representatives of United Nations country teams in Brazil and Argentina and more than 50 other United Nations participants from all regions.

## III. Coordination Committee of Special Procedures

42. In 2016, the Coordination Committee of Special Procedures continued to facilitate coordination among mandate holders and interaction with a range of stakeholders. It pursued efforts to consolidate its role, to enhance its capacities to respond to requests from mandate holders and other stakeholders, and to act as the main body representing and acting on behalf of special procedures, including by strengthening the visibility of the system of special procedures and organizing face-to-face meetings three times a year.

43. As an important part of its work, the Committee held consultations with a wide range of stakeholders, including the Office of the Secretary-General, the United Nations High Commissioner for Human Rights, the Chair of the Third Committee of the General Assembly, the President of the Human Rights Council, various senior representatives of the Department of Peacekeeping Operations, the Department of Political Affairs, the Peacebuilding Support Unit, UNDP and the Development Operations Coordination Office, the

[6] Available at www.ohchr.org/Documents/Issues/EPoverty/20161005_SR_poverty_letter_to_DSG.pdf; see alsowww.ohchr.org/Documents/Issues/EPoverty/20161012_SR_Alston_letter_from_DSG.pdf.

Office of the Special Adviser on the Prevention of Genocide, Members of the Security Council, States Members of the United Nations and civil society.

44. In April and December 2016, the Committee met in Geneva to discuss issues related to the special procedures system as a whole. At its meetings, the Committee focused in particular on questions relating to the functioning of the special procedures system and related issues, in particular conflicts of interest, the independence of the special procedures, communications, acts of intimidation and reprisal, ad hominem attacks against mandate holders, cooperation with Member States and the status and visibility of the special procedures system within the United Nations system. The Committee also discussed ways to strengthen its impact and visibility and to improve its interaction with the Human Rights Council, Member States and non-governmental organizations, and the outreach of the special procedures system towards counterparts in Geneva.

45. In November 2016, the Committee met in New York to strengthen its outreach to United Nations counterparts and to address issues relating to follow-up, early warning, human rights mainstreaming and the role of special procedures, with a focus on the implementation of the Sustainable Development Goals and the Human Rights Up Front initiative. During the meetings, various ways to deepen cooperation and engagement with special procedures in New York and to ensure that their contributions, including recommendations, were more systematically integrated into the work of the United Nations were explored.

46. The Committee addressed cases of ad hominem attacks against mandate holders and of persistent non-cooperation by States by raising the issue consistently with the President of the Human Rights Council, the High Commissioner and representatives of States. It also followed up on the Human Rights Up Front initiative by engaging with relevant United Nations representatives. In addition, it engaged with the Consultative Group to ensure that the voice of special procedures is heard in the selection process of mandate holders.

47. The Committee also worked on the coordination of joint activities and statements on country-specific and thematic issues, mainstreaming human rights, and acts of intimidation and reprisal. In addition, it continued to provide guidance on issues relating to the independence of special procedures, conflicts of interest, the Code of Conduct and working methods, in accordance with the internal advisory procedure. The Committee further initiated a reflection on the communications procedure.

48. In accordance with established practice, the Committee participated in the twenty-fifth and twenty-sixth special sessions of the Human Rights Council, on the deteriorating situation of human rights in the Syrian Arab Republic, and the recent situation in Aleppo, and the situation of human rights in South Sudan. The Committee also participated in various meetings relating to the efficiency and working methods of the Council.

49. The Chairperson of the Committee presented, for the second time, the annual report of special procedures to the Human Rights Council (A/HRC/31/19), which included facts and figures on special procedures and information on the achievements of the system. It also illustrated that special procedures increasingly worked as a system alongside their work as individual mandate holders.

50. The Committee also took action on and implemented the modalities for disclosure of external support received through and outside of the Office of the United Nations High Commissioner for Human Rights (OHCHR). A table containing such information was, for the first time, included in the annual report. In this context, the Committee requested mandate holders once again to provide information on external support received, this time covering 2016. Of the 44 mandate holders who responded, 23 indicated that they had received external support, while 21 had not received any external support. Of those replying in the positive, support consisted of in-kind support, such as research assistance and the use

of facilities by their home institution, and/or cash support, for instance, for earmarked events or research and administrative assistance. Cash support was in most cases provided by Governments, foundations or the home institutions of mandate holders (see A/HRC/34/34/Add.1, chap. X).

## IV. Acts of intimidation and reprisal

51. Special procedures continued to take up cases concerning acts of intimidation and reprisal not only in relation to their work but also to the wider United Nations system in the field of human rights. Mandate holders have used communications, public statements, press releases, reports and meetings with various stakeholders to express their grave concern at all such acts. In 2016, special procedures addressed 61 such communications to 45 States and one non-State actor. In addition, some of these cases were followed by press releases in which mandate holders expressed their serious concerns over such practices.

52. In this context, the most recent report of the Secretary-General on acts of intimidation and reprisal, presented to the Human Rights Council at its thirty-third session (A/HRC/33/19), included 14 new cases taken up by special procedures and follow-up on five cases included in his previous reports based on the continued work of special procedures. These cases not only refer to engagement with special procedures but also with other United Nations human rights mechanisms. Special procedures also addressed issues related to ensuring access to the United Nations, and raised concerns concerning the role played by the Committee on Non-Governmental Organizations in this context.

53. Moreover, the Chair of the Coordination Committee, in introducing the annual report to the Human Rights Council, on 15 March 2016, stated that acts of intimidation and reprisal remained undoubtedly of the most serious concern to mandate holders, and that such acts should be seen as not only aimed at preventing or stopping anyone from cooperating with them, but as an attack against the special procedures system as a whole. The Chair urged the United Nations to appoint a focal point on reprisals as soon as possible in order to develop a much needed system-wide and coordinated response. In this context, special procedures look forward to working with the Assistant Secretary-General for Human Rights after his designation by the Secretary-General to lead the Organization's efforts to strengthen its response to this issue.

## V. Twenty-third annual meeting of special procedures

54. The twenty-third annual meeting of special procedures was held in Geneva from 6 to 10 June 2016. Mandate holders sought to enhance coordination and coherence on a number of mandate-transcending issues, and discussed, inter alia, the communications procedure, conflicts of interest, country action coordination, acts of intimidation and reprisal, human rights mainstreaming, cooperation with regional mechanisms and the achievements of special procedures. The mandate holders also held consultations with the United Nations High Commissioner for Human Rights, the President of the Human Rights Council, heads of OHCHR field presences and the Director of the Thematic Engagement, Special Procedures and Right to Development Division, Member States and representatives of civil society.

## A. Coordination Committee

### 1. Election of the Coordination Committee for 2016-2017

55. At the meeting, the members of the Coordination Committee for 2016-2017 were elected. The Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, was elected Chair of the Coordination Committee. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Dainius Pūras, was elected Rapporteur of the annual meeting and member of the Coordination Committee. The other members elected were the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas-Aguilar; the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Juan Pablo Bohoslavsky; and the Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio. The outgoing Chair of the Coordination Committee, Michael K. Addo, member of the Working Group on the issue of human rights and transnational corporations and other business enterprises, will remain as ex officio member for the coming year.

### 2. Reflection and strategies for the Coordination Committee for 2016-2017

56. In addition to continuing work on strengthening the relationship between special procedures and New York-based entities, enhancing strategies for preventing and responding to acts of intimidation and reprisal against those cooperating with special procedures, as well as to ad hominem attacks against mandate holders, throughout discussions held during the annual meeting, the mandate holders highlighted a number of additional focus areas for the Coordination Committee to reflect on in 2016-2017. These included procedures for election of the Chair of the Coordination Committee, participation in the annual meeting, outcomes of the communications review procedure and developments relating to human rights mainstreaming within the United Nations, continuing dialogue with senior United Nations officials, including the Secretary-General and the United Nations High Commissioner for Human Rights, and following closely issues relating to cooperation with special procedures and to their independence.

## B. Thematic issues and working methods

### 1. Communications

57. As an outcome of the twenty-second annual meeting, the Coordination Committee appointed, in 2015, one of its members as focal point to take the lead in reviewing the communications procedure, and prepared a paper for discussion at the meeting. The paper, introduced by Rita Iszák-Ndiaye, provided mandate holders with the basis for discussions held on the procedure, including the selection of cases, confidentiality rules, communication with sources, low response rates and how to improve them, the need for follow-up and the question of joint or individual action in the event of time constraints. Participants in the meeting decided to task the next Coordination Committee to follow up on these discussions.

58. The mandate holders also received an update on developments with regard to the recent launch of an online questionnaire for the submission of information to special procedures and the introduction of a new communications database that will, in turn, feed into an external and searchable database. The purpose of the developments is to facilitate the processing of communications, to increase efficiency and to broaden the possibilities for sources to submit information. Mandate holders provided positive feedback while also

raising concerns, including with regard to confidentiality and online security, and the availability of the questionnaire in the official languages of the United Nations. Mandate holders also stressed the need for wider dissemination of information on this new tool to all stakeholders.

### 2. Acts of intimidation and reprisal for cooperation with the United Nations in the field of human rights

59. In accordance with their modalities for an enhanced response to reprisals, adopted at the twenty-second annual meeting, mandate holders received an overview from the former focal point of the Coordination Committee, François Crépeau, of actions taken on cases of reprisal against those cooperating with special procedures and other United Nations and regional human rights mechanisms. They included a section on reprisals in the annual report of special procedures, the launch of a dedicated webpage on the OHCHR website,[7] and receiving and transmitting information to Member States concerned. During its tenure, the Committee, in consultation with the mandate holders concerned, also raised several cases of reprisal with various stakeholders, including the Secretary-General, the High Commissioner, the President of the Human Rights Council and civil society.

60. The mandate holders stressed that they continued to receive allegations of acts or intimidation and reprisal against those cooperating with the United Nations in the field of human rights. The majority of cases concerned alleged acts of intimidation and reprisal for cooperation with mandate holders in relation to their country visits and communications procedure. Some cases, however, also related to measures taken by States to deter interaction or cooperation with special procedures. The mandate holders reiterated that all acts of intimidation and reprisal were unacceptable, and stressed the need to address this issue in a consistent manner.

61. The Committee appointed Catalina Devandas-Aguilar as focal point on reprisals as of 1 July 2016.

### 3. National mechanisms for reporting and follow-up

62. The mandate holders were briefed on the development of national mechanisms for reporting and follow-up, a recent initiative supported by OHCHR through, inter alia, the development of a practical guide, training and the appointment of capacity-building officers in 10 OHCHR regional offices. These national mechanisms, set up by States, are designed to optimize and rationalize the national capacity to engage with United Nations and regional human rights mechanisms, to comply with reporting obligations and to implement recommendations. While the specificities of each mechanism may vary, they should all focus on further developing the four key abilities for the Government to be able to engage fully with the United Nations system: engagement, coordination, consultation, and information management.

63. The mandate holders expressed their support for the above-mentioned initiative, as it is linked with one of their major issues of concern, namely that of follow-up to and implementation of their recommendations. They highlighted the need for increased coordination between the United Nations human rights mechanisms and for building bridges between similar, parallel or convergent activities and recommendations emanating from such activities, the need also to focus on implementing recommendations at the subnational levels, and the relationship between the mechanisms and national human rights institutions.

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[7] www.ohchr.org/EN/HRBodies/SP/Pages/Actsofintimidationandreprisal.aspx.

### 4. Human rights mainstreaming within the United Nations

64. Building on previous discussions, the mandate holders invited the Deputy United Nations High Commissioner for Human Rights, in her capacity as co-Chair of the United Nations Development Group – Human Rights Working Group, and a senior policy adviser of the United Nations Development Operations Coordination Office to continue discussions on the Human Rights Up Front initiative and human rights mainstreaming within the United Nations, and the way in which mandate holders contributed.

65. Participants in the meeting received an update on the work of the United Nations Development Group, in particular its Human Rights Working Group. The Development Group had taken an active role in ensuring that human rights mainstreaming was taken up by all Resident Coordinators, by providing them with, inter alia, practical guidance tools on United Nations human rights mechanisms, including special procedures, and including human rights as a criteria in their annual performance evaluations. The Working Group had also taken initiatives to collect information on how country teams had followed up on recommendations made by United Nations human rights mechanisms. It was noted, however, that political backing should be provided to Resident Coordinators by United Nations Headquarters in order for them to include a human rights-based approach in their work. Moreover, mandate holders were encouraged to include discussions with Resident Coordinators and country teams in their planning of activities, given that they are key partners in the field. The positive role of Human Rights Advisers was also highlighted in this context.

66. The mandate holders reiterated their support for the Human Rights Up Front initiative and human rights mainstreaming in general, and also expressed appreciation for the efforts made to mainstream human rights in the work of Resident Coordinators and country teams. They shared their experiences of cooperating with Resident Coordinators and country teams in relation to their country visits, indicating that their support was crucial to the success of their missions and identifying remaining challenges, including the reluctance of some Resident Coordinators to engage in human rights issues, as they were deemed too sensitive and could possibly jeopardize their relationship with the Government. The mandate holders also linked their work to the Sustainable Development Goals, and raised the issue of lack of inclusion of human rights in both the targets and the indicators. In response, the Deputy High Commissioner encouraged mandate holders to view their work as being part of the accountability mechanism in relation to implementation of the Goals at the country level, and to remind States of their obligations.

### 5. Coordination of country-specific action

67. The mandate holders discussed their country engagement and ways to coordinate before taking action, in particular between country-specific and thematic mandates. They decided to update the existing guidelines on country-specific action coordination by adding a paragraph in relation to the issuance of press releases by thematic mandate holders on a country for which there is a country mandate.

68. Participants in the meeting also decided to update the terms of reference for country visits by mandate holders adopted in 1998, given that some of the terms were no longer in use, and to reflect developments since 1998 (see A/HRC/34/34/Add.1, chap. XIV).

### 6. Conflicts of interest

69. In recent years, the Coordination Committee has received an increasing number of requests for advice from mandate holders concerning potential conflicts of interest and situations where the independence of mandate holders could be perceived as compromised. In response, the Committee has developed guidelines based on existing rules and

regulations to guide the work of special procedures and ensure coherence and consistency in the way they address such cases, and to equip mandate holders with the tools necessary to be able to make an informed decision when questions relating to a conflict of interest arises. In the event that a conclusion on such questions does not seem possible, the Committee remains available to provide guidance.

70. The approach taken in the guidelines – namely drawing attention to all documents relevant to the issue of conflict of interest and posing a number of questions that should guide mandate holders – was approved by participants. Several mandate holders stressed that they had their own responsibility to consider whether any outside function that they performed was in conflict with their status as mandate holders.

### 7. Cooperation with regional mechanisms

71. Mandate holders were briefed on the latest developments in relation to cooperation with regional mechanisms. With regard to the Inter-American Commission on Human Rights, a meeting that had been organized by OHCHR in Washington, D.C. earlier in the year had been attended by several mandate holders and representatives of the Commission, and had resulted in a call for closer cooperation by both sides, including through the issuance of joint statements, visit and reports.

72. Participants in the meeting agreed on the importance of engaging with regional mechanisms. Several mandate holders shared their experiences in relation to cooperation with the inter-American, African and European mechanisms, such as issuing joint press releases, participating in joint events or conducting joint country visits.

73. With regard to the African system, the United Nations Independent Investigation on Burundi, which was supported by two special procedure mandate holders and one expert of the African Union, was highlighted. The construction of this new type of hybrid investigation was to be considered a good practice. In particular, the involvement of the African Union in relation to a country from the region was seen by mandate holders as beneficial to the investigation.

### 8. Achievements of special procedures

74. Using the opportunity offered by the tenth anniversary of the establishment of the Human Rights Council and the Coordination Committee, the mandate holders reflected on the achievements of the special procedures since the creation of the first mandate in 1967. The main objective was to collect evidence of the positive impact that special procedures had had in the area of human rights, and to better showcase their work. While it would be difficult in some cases to establish whether a positive outcome was the direct result of the action of mandate holders, it was agreed that, in a number of cases, they had played an important role in such outcomes.

75. Achievements highlighted on this basis included positive outcomes as a result of communications sent, improvements after country visits conducted and the development or revision of policies and best practices. Several mandate holders also highlighted the improvements noted in relation to their awareness-raising activities on issues covered by their mandates, not only among government representatives but also in relation to civil society and the media. In doing so, mandate holders had provided various stakeholders with conceptual tools that could have a normative impact. They had also helped to put human rights issues on the global agenda. With regard to country visits, it was pointed out that making reports available in the local languages could increase their impact even further.

76. Participants in the meeting agreed to task the Coordination Committee with compiling the achievements of special procedures with a historical perspective, with a view to publishing an outcome document.

### 9. Discussion with Conference Management of the United Nations Office at Geneva

77. Mandate holders held a discussion with representatives of Conference Management of the United Nations Office at Geneva, and raised obstacles encountered in the execution of their mandates in relation to the editing, translating and processing of reports to be submitted to the Human Rights Council and the General Assembly. Particular concerns were raised over the balance between linguistic editing and changing the substance of reports, the restrictions imposed by the word limit for joint reports, and issues with regard to deadlines for the submission of reports.

### 10. Discussion with representatives of the Office of the High Commissioner on administrative and travel-related issues

78. Representatives of the travel and finance sections of OHCHR provided mandate holders with information on applicable rules and procedures to follow in relation to administrative and travel issues connected to their mandates. The mandate holders raised particular concerns over restrictive rules with regard to travel, suitable travel arrangements for persons with disabilities and mothers travelling with young infants, and requested the Coordination Committee to remain seized of progress made to implement adequate measures.

## C. Consultations with stakeholders

### 1. United Nations High Commissioner for Human Rights

79. The High Commissioner shared his thoughts on the current trends that had a negative impact on the state of the world, including increasing restrictions on civil society space, and the growing number of attacks on fundamental bodies of law and on international institutions. In the light of these developments, the High Commissioner questioned the role of the international community and its capacity to speak as one rather than as an aggregation of particular interests. He expressed appreciation for the extraordinary amount of work done by special procedures and his commitment to ensure their independence, while seeking to create synergies where possible.

80. The mandate holders thanked the High Commissioner for the opportunity to exchange views with him. They raised questions and made suggestions regarding the relationship between mandate holders and Resident Coordinators, in particular with regard to country mandates, enhancing linkages between the treaty bodies and the universal periodic review with special procedures, policy and practical developments in relation to the allegations of sexual abuse in the context of peacekeeping operations, the full recognition of economic, social and cultural rights as human rights, the relationship between OHCHR and special procedures, the issue of reprisals against those cooperating with the United Nations in the field of human rights and with regional mechanisms, and the need for a gender balance among mandate holders.

### 2. Director of the Thematic Engagement, Special Procedures and Right to Development Division of the Office of the High Commissioner

81. The Director of the Thematic Engagement, Special Procedures and Right to Development Division underlined the importance of the work of special procedures individually, and of the way in which the system of special procedures as a whole had evolved. The increase in the number of mandate holders had, however, also led to a greater need for coordination; the work of the Coordination Committee had proved to be a great asset in this regard.

82. The Director highlighted the five focus areas identified in the most recent Office Management Plan with a view to create possible synergies between the work of the Office and that of special procedures, given the relevance of their perspectives: the implementation of the Sustainable Development Goals; early warning and prevention of human rights violations; preventing violent extremism; migration and xenophobia; and civil society space.

83. The mandate holders expressed their appreciation for the commitment shown by the Director to engage directly with them on issues of concern, including the need for greater visibility of the work of special procedures, increased linkages between the work of the different United Nations human rights mechanisms, and increased communication between different parts of the Office with mandate holders on topics related to their mandates, and the need to safeguard the work of mandate holders and to protect their independence.

### 3. President of the Human Rights Council

84. The President of the Human Rights Council thanked the mandate holders for the important opportunity to engage in a frank and open conversation, in addition to the discussions he had held with the Coordination Committee throughout the year. The President commended the ability of mandate holders to spark discussions on human rights situations on the ground, and the important role they played in early warning. With regard to the priorities for his term, the President highlighted, inter alia, the momentum created by the 10-year anniversary of the Council and the opportunity it provided to improve the working methods of the Council.

85. With regard to acts of intimidation and reprisal against those cooperating with the United Nations in the field of human rights, the President reiterated that all such allegations brought to his attention were taken very seriously and closely followed up. In addition, he had regularly reminded States that such acts were unacceptable, and called upon them to prevent and ensure adequate protection from such acts. He had addressed the issue of ad hominem attacks on mandate holders in a similar fashion.

86. The mandate holders thanked the President for his support, highlighted a number of issues of concern and asked questions in connection with, inter alia, the engagement of States with mandate holders during their interactive dialogues, time limits placed on their presentations, in particular in relation to reporting on joint activities, the use of visual aids during their presentations, mutual enhancement of the work of special procedures and the Human Rights Council, follow-up on recommendations, the linkage of the work of special procedures with the Sustainable Development Goals, the role of businesses and private enterprises in promoting and protecting human rights, and the human rights of women and children.

### 4. Field presences of the Office of the High Commissioner

87. The mandate holders and the heads of field presences shared, for the first time, their experiences in cooperation, and made recommendations on improving their work. Participants in the meeting focused on cooperation and engagement between special procedures and field presences, and on follow-up to the work and recommendations of special procedures.

88. The mandate holders thanked the colleagues present for their cooperation, and highlighted positive experiences and the challenges faced. Several mandate holders mentioned the need for awareness-raising on special procedures and follow-up on their recommendations. In this regard, they raised the issue of the time lapse between conducting a visit and the presentation of the report thereon to the Council. The participants agreed that the independence of mandate holders, which should be emphasized to all stakeholders, was

of benefit to their work and to the ability of field presences to preserve their engagement with Governments. The mandate holders also mentioned the importance of the full recognition of economic, social and cultural rights, the situation regarding trafficking in persons in conflict and post-conflict situations, discrimination against people of African descent and gender-based violence.

89. The representatives of field presences also expressed their appreciation for the work of special procedures and the positive cooperation with mandate holders. They highlighted the ability of mandate holders to fill gaps by drawing attention to underexposed human rights issues during their visits, something that had been done on several occasions and was highly valued, the need for thematic mandates to engage also with countries for which a country mandate exists, the importance of the engagement of mandate holders with regional mechanisms, the possibility of taking a regional approach more often in situations where there were similar human rights concerns in neighbouring countries, and the inclusion of updated information in reports, including in recommendations, on country visits and in statements made to the Human Rights Council.

### 5. Member States

90. The mandate holders exchanged views with representatives of more than 50 States Members of the United Nations. The representatives of Member States unanimously reiterated their support and appreciation for the work done by the special procedures and the Coordination Committee. Several representatives urged all States to cooperate fully with special procedures in a constructive way, including by extending and honouring standing invitations, and requested mandate holders in turn to provide clear information on their mandates and the specific proceedings well ahead of country visits. The representatives also welcomed and encouraged closer coordination among mandates with regard to the communications procedure and the planning of country visits.

91. Several representatives underlined the importance of the work of the special procedures as an early warning tool, and stressed the importance of follow-up to their recommendations. Appreciation was also expressed for the creation of the focal point on reprisals among Coordination Committee members. Two representatives specifically referred to the Code of Conduct, and requested mandate holders to abide strictly by it. Questions were asked with regard to the work of the special procedures on the Sustainable Development Goals, cooperation with the wider United Nations system, including New York-based entities, budget constraints and disparities in resource allocation, delays in reports submitted to the Human Rights Council and the possibility of making the statements of mandate holders, to be made during interactive dialogues, available 24 hours in advance.

92. The mandate holders expressed their gratitude for the interest shown in their work, and emphasized that the success of their work depended on every State's openness and readiness to collaborate with their mandates and to follow up on their recommendations. In this regard, the mandate holders requested States to give practical meaning to the interdependence and indivisibility of all human rights, and to cooperate with all mandates on an equal footing. Several mandate holders highlighted the importance of a holistic approach in their work, and reassured States that coordination among mandate holders, in particular between country and thematic mandates, was actively being undertaken. The mandate holders also underlined the importance of disseminating information on their work to all stakeholders at both the international and national levels.

93. The mandate holders expressed concern at the continued low response rate of States to communications and questionnaires, and encouraged them to increase their engagement. Some mandate holders also referred to the lack of cooperation of States with regard to country visits, and urged them to extend invitations for visits. The issue of acts of intimidation and reprisal against those cooperating with mandate holders was also raised;

dismay was expressed at, in particular, allegations received in relation to States members of the Human Rights Council. The mandate holders were also seeking ways to include the Sustainable Development Goals in their work.

### 6. Civil society, non-governmental organizations and national human rights institutions

94. In opening the meeting with more than 80 representatives of civil society, the Chair of the Coordination Committee, on behalf of the mandate holders, expressed appreciation for their work and collaboration with the special procedures, which played an important role in the fulfilment of their mandates. The representatives of civil society in turn thanked the mandate holders for their work, and raised a number of issues concerning the special procedures system as a whole. Multiple civil society members raised the issue of communications, and provided feedback about the substantive and procedural elements of the process. Many also raised the issue of country visits, and of how the special procedures could respond to States, including those with standing invitations, that did not give mandate holders access to their territories.

95. The mandate holders responded to these concerns by discussing recent changes to the communications procedure, including the introduction of an online questionnaire for submitting information and the ongoing development of a searchable public database. Further discussions on the strengthening of the communications process were scheduled at the current annual meeting. The mandate holders also shared their views about the difficulties they experienced in receiving invitations for country visits and in gaining access to occupied territories.

96. Other topics of discussion included acts of intimidation and reprisal, ad hominem attacks on mandate holders, the implementation of recommendations, and coordination among mandates. A number of thematic and country specific issues were also raised, including the rights of persons with disabilities, the rights of older persons, the right to self-determination and the right to development, and extreme poverty, internal displacement and environmental issues.